

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Cooney Brothers Family Partnership
PO Box 1905
Harlowton, MT 59036

Cavan Spence Cooney, LLC
PO Box 626
Harlowton, MT 59036

Rachel and Sarah Nash
PO Box 267
Harlowton, MT 59036
2. Type of action: Application to Change Statement of Claim No. 40A 113138 00
3. Water source name: Fish Creek
4. Location affected by project: Sections 19, 20 and 21, T6N, R16E, Wheatland County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicant proposes to change the place of use for Statement of Claim No 40A 113138 00 to convert water associated with 31 acres of historical flood irrigation to 289 Acres of proposed pivot irrigation.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality – Website
Montana Department of Fish, Wildlife, and Parks – Website
National Wetlands Inventory – Website
Montana Natural Heritage Program – Website
USDA Web Soil Survey – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

N/A – Fish Creek is not a chronically or periodically dewatered stream.

Determination: No significant impact

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

N/A – This appropriation is an existing irrigation appropriation that is not increasing or changing the use.

Determination: No significant impact

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

No impacts identified. This project is part of an existing irrigation appropriation that is not increasing or changing use.

Determination: No significant impact

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

No impacts identified. This project is part of an existing irrigation appropriation that is not increasing or changing use.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

According to the Montana Natural Heritage Program Environmental Summary, the Bureau of Land Management (BLM) lists the Long-billed Curlew and Greater Sage Grouse as sensitive species. The Montana Sage Grouse Habitat Conservation Program lists the place of use as being within “General” Sage Grouse Habitat. The Montana Natural Heritage Program lists the Northern Redbelly Dace as a species of concern. The irrigation changes in this project are not anticipated to cause an adverse effect to the listed species. There are no federally listed plant species within the project area.

Determination: No significant impact

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Parts of these sections are PEM1A Freshwater Emergent Wetlands, however, none of the specific areas involved with this change are in these areas.

Determination: No significant impact

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

There are no natural ponds within the place of use

Determination: No significant impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

No impacts identified. This water project is a change in irrigation location and diversion and will not significantly influence soil quality, stability, or moisture content.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There are no air quality concerns with this project.

Determination: No significant impact

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

NA-project not located on State or Federal Lands.

Determination: No significant impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: NA – Project not located on State or Federal Lands

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact identified

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This project will have no impact on human health

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes X No ____ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No significant impact

Cumulative Impacts: No significant impact

3. *Describe any mitigation/stipulation measures:* N/A

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* There are no reasonable alternatives to the proposed action.

PART III. Conclusion

1. Preferred Alternative: Change place of use and point of diversion as noted

2 Comments and Responses:

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Steven B. Hamilton

Title: Regional Manager – Lewistown Regional Office

Date: January 25, 2023